



LAND SURVEYORS

P.O. Box 652 • 130 Oak Street, Suite 1  
Ellsworth, Maine 04605

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September 18, 2012

Dear Neighbor,

We represent Harold MacQuinn, Inc. regarding the use of their land on the east side of the Douglas Highway and are in the process of filing various permit applications with the State Of Maine and the Town Of Lamoine Planning Board. This property is locally known as the "Kittridge Pit". The Kittridge Pit previously has been permitted by the Town Of Lamoine to operate on 65 acres of land between the Douglas Highway and the blueberry field to the east.

The current application is for the expansion of the gravel pit by approximately 40 acres in size. An application for expansion has been filed locally with the Town of Lamoine Planning Board. A public informational meeting will be held at the Lamoine Town Office on October 2, 2012 at 7:00 pm to discuss the project with the planning board and the public. The notice of intent is being filed to comply with state law.

The application will be filed for public inspection at the Department of Environmental Protection, 312 Canco Road, Portland, Maine, 04103 on or about October 5, 2012. Questions or concerns can be directed to Mark Stebbins, Mining Coordinator, Phone 822-6367. A copy of the complete application is also filed at the Lamoine Town Office.

Enclosed for your information is a copy of the site plan and the notice of intent form being filed with the Department of Environmental Protection. Questions regarding the application or the pit operations in general can be directed to us at any time. We would be glad to answer any questions you might have. Please feel free to call or email.

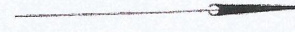
Sincerely,

A handwritten signature in blue ink, appearing to read 'S. Salsbury', is written over a horizontal line. The signature is fluid and cursive, with a long, sweeping tail that extends to the right.

Stephen R. Salsbury, PLS

SRS:bc  
Enc.

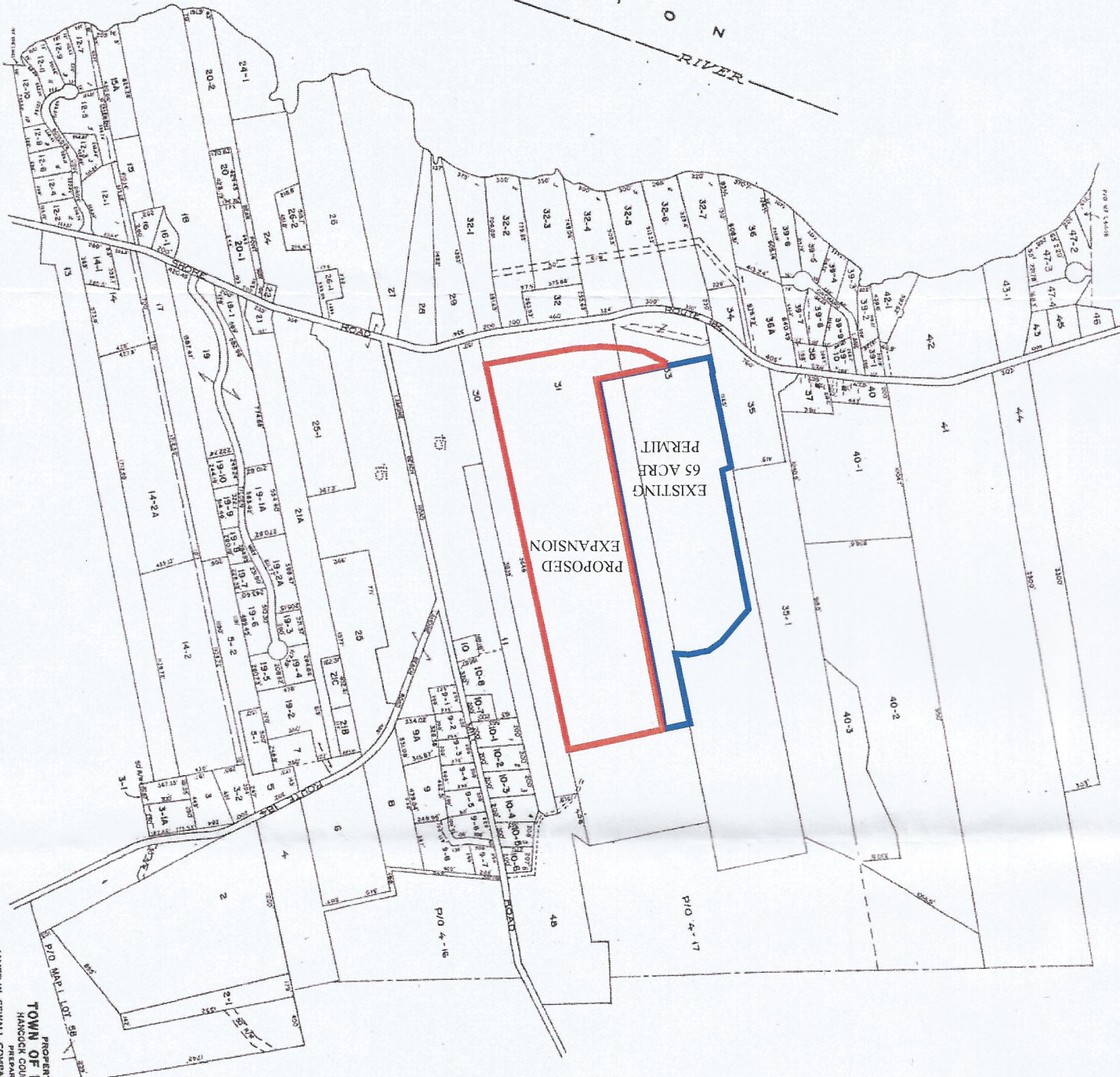




JORDAN T R E N T O N R I V E R

LEGEND  
1 PARCEL NUMBERS  
2 ADJACENT MAPS

For Assessment Purposes



PROPERTY MAP  
TOWN OF LAMOTTE  
HANCOCK COUNTY, MAINE  
JAMES W. SEWELL COMPANY  
SCALE 1 INCH = 400 FEET

UPDATED BY A.M. LEWIS

APR 01 2012



**DEPARTMENT OF ENVIRONMENTAL PROTECTION  
VARIANCE APPLICATION  
PERFORMANCE STANDARDS FOR EXCAVATIONS and ROCK QUARRIES  
(For Use with 38 MRSA §490-E and §490-CC)**

• PLEASE TYPE OR PRINT IN **BLACK INK ONLY**

|   |  |   |   |
|---|--|---|---|
| <b>1. Name of Applicant:</b>  | Harold MacQuinn, Inc.  | <b>2. Name of Agent:</b><br>(if applicable)           | Stephen Salsbury  |
| <b>3. Applicant's Mailing Address:</b>  | Harold MacQuinn, Inc.<br>P.O. Box 789<br>Ellsworth, ME 04605   | <b>4. Agent's Mailing Address:</b>                    | Herrick & Salsbury, Inc.<br>P.O. Box 652<br>Ellsworth, ME 04605 |
| <b>5. Applicant's Daytime Phone No.:(with area code)</b>  | (207) 667-4653   | <b>6. Agent's Daytime Phone No.: (with area code)</b> | (207) 667-7370  |
| <b>7. Statement of Authorization:</b>   | I hereby authorize the above named person to act in my behalf as my agent agent in the processing of this application. <i>Signature of Applicant:</i>  |   |   |
| <b>8. Please check the type of variance you are requesting:</b>   | <input type="checkbox"/> reduced setback to a public water supply<br><input type="checkbox"/> excavation below the water table<br><input type="checkbox"/> excavating closer than 5 feet of the seasonal high water table<br><input type="checkbox"/> excavating closer than 100 feet to a public road<br><input type="checkbox"/> externally drained pit<br><input checked="" type="checkbox"/> an area greater than 10 acres for the working pit<br><input type="checkbox"/> reclaimed side slopes steeper than 2.5H to 1V<br><input type="checkbox"/> waiver of the topsoil salvage requirement<br><input type="checkbox"/> increased ground vibrations greater than 2 inches per second<br><input type="checkbox"/> waiver of the monitoring requirements for airblast and ground vibrations |   |   |
| <b>PROJECT INFORMATION</b>  |  |   |   |
| <b>9. Location of Project:</b><br>(Nearest Road, Street, Rt. #)   | Route 184, Douglas Highway, Lamoine  |   |   |
| <b>10. Town:</b>  | Lamoine  | <b>11. County:</b>                                    | Hancock   |
| <b>12. Book#:</b>   | 2436   | <b>13. Page #:</b>                                    | 164   |
| <b>14. Detailed Directions to the Project:</b>  | From the intersection with Route 184 and 204 in Lamoine, proceed southerly on Route 184 towards the Lamoine School 1.2 miles. Paved entrance to pit on left side of road just past house at 838 Douglas Highway.   |   |   |
| <b>15. Abutting Property Owners:</b><br>(Use separate sheet, if necessary)  | (Name)   | (Address)   |   |
| Map 3 Lot 30  | John & Kathleen Holt   | 3650 Ridge Road, Otis, OR 97368                       |   |
| Map 3 Lot 35  | Glenn Manring  | 838 Douglas Highway, Lamoine, ME 04605                |   |
| Map 3 Lot 35-1  | Maurice & Suzanne Googins  | 390 Douglas Highway, Lamoine, ME 04605                |   |
| Map 3 Lot 48  | Cold Spring Water Company  | 23 Lamoine Beach Road, Lamoine, ME 04605              |   |
| Map 4 Lot 17  | Christopher Luck   | 35 Woods Road, Somesville, ME 04660                   |   |
| <b>16. Has the public notice including notifying abutting property owners, the Municipal Office, and publishing the Notice of Intent to File been done?</b> |  | <input checked="" type="checkbox"/> Yes               | <input type="checkbox"/> No                                     |

**FOR OFFICE USE ONLY**

|       |        |           |  |
|-------|--------|-----------|--|
| App#: | FP:    | Assigned: | Decision Date:   |
| CK#:  | Rec'd: | Returned: | <input type="checkbox"/> APPROVED<br><input type="checkbox"/> DENIED |



### Notice Of Intent To File

Please take notice that **Harold MacQuinn, Inc.**, P.O. Box 789, Ellsworth, Maine 04605 and Stephen Salsbury, agent, P.O. Box 652, Ellsworth, Maine, 04605, phone 207-667-7370, is intending to file a variance application with the Maine Department Of Environmental Protection pursuant to the provisions of Performance Standards for Excavations, 38 M.R.S.A. ss 490-E on or about October 5, 2012. The application is for an expansion for a gravel pit to be greater than 10 acres in size. The pit is located on Route 184 in Lamoine, Maine, (Tax Map 3, Lot 31 and Lot 33) and is locally known as the "Kittridge Pit".

A request for a public hearing or a request that the Board of Environmental Protection assume jurisdiction over this application must be received by the Department, in writing, no later than 20 days after the application is found by the Department to be complete and is accepted for processing. Public comment on the application will be accepted throughout the processing of the application.

The application will be filed for public inspection at the Department of Environmental Protection, 312 Canco Road, Portland, Maine, 04103. Questions or concerns can be directed to Mark Stebbins, Mining Coordinator. A copy of the complete application is also being filed at the Lamoine Town Office.

An **INFORMATIONAL PUBLIC MEETING** will be held by the applicant at the Lamoine Town Office on October 2, 2012 at 7:00 p.m. to provide information on the application and hear public comment.

Written public comments may be sent to the Department of Environmental Protection, Bureau of Land and Water Quality, 17 State House Station, Augusta, ME 04333.



# Fact Sheet

## Variance Application for Excavations & Rock Quarries

### Background

In April 1996, the Legislature created a new program for excavations of rock, borrow, topsoil, clay and silt. Regulation of these commodities is now handled through a performance-based registration system instead of through the Site Location of Development Law.

The registration system includes a variance process. It provides an opportunity to vary from the specific statutory performance standards contained in 38 MRSA § 490-D (Performance Standards for Excavations) and 38 MRSA §490-Z (Performance Standards for Quarries). This legislation states that variances may only be granted where explicitly allowed.

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### What types of variances are allowed?

**You can request a variance for:**

- (1) reduced setback to a public water supply;**
- (2) excavation below the water table;**
- (3) excavating closer than 5 feet of the seasonal high water table;**
- (4) excavating closer than 100 feet to a public road;**
- (5) an externally drained pit;**
- (6) an area greater than 10 acres for the working pit;**
- (7) reclaimed side slopes steeper than 2.5H to 1V;**
- (8) waiver of the topsoil salvage requirement;**
- (9) increased ground vibrations greater than 2 inches per second;**
- (10) waiver of the monitoring requirements for airblast and ground vibrations.**

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### What type of standards apply?

In order to approve a variance application, the Department must find that your activity does not: lower water quality; interfere with natural groundwater flow; adversely interfere with existing uses; adversely affect public safety; cause unreasonably erosion of soil; and will not unreasonably harm habitats or will not unreasonably cause flooding of adjacent properties.

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### Is there a fee for filing a variance application?

**Yes. A fee is required at the time the application is filed. For each request the fees are as follows: \$500 for excavating below the water table;**

**\$500 for externally drained pits;**

**\$125 to increase ground vibration levels;**

**\$125 to waive the monitoring requirements for ground vibrations and airblast; and**

**\$250 for each of the remaining types of request.**

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### What type of information must be submitted with a variance application?

The applicant must submit specific information in support of each request showing that the variance will not adversely affect the environment and the health, safety and general welfare of the public. Included in Chapter 378 "Variance Criteria for the Excavation of Rock, Borrow, Topsoil, Clay or Silt and Performance Standards for the Storage of Petroleum Products" are specific submission requirements needed to evaluate each type of variance.



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## **Is there a public notice requirement?**

Yes. An applicant intending to file a variance application must hold a public informational meeting prior to filing that application. The intent is to inform the public about the project and to establish a dialogue with potentially concerned parties. At least 10 days prior to the public informational meeting, notice of the informational meeting must be sent by certified mail to abutters and to the municipal office of the municipality(ies) where the project is located.

In addition the applicant must provide a public notice of the application. The notice must be published in a newspaper circulated in the area where the development is located. The notice must appear in the newspaper during the week prior to the date the application is filed with the department.

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## **When can I begin work?**

The Department has 90 days to process your application after it is deemed accepted for processing. If an application is approved, a permit is issued and sent to you.

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### **Credits**

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## **CONDUCTING PUBLIC INFORMATIONAL MEETINGS INTERIM POLICY FOR EXCAVATION VARIANCE REQUEST**

### **Applicability**

This document is an interim policy of the Division of Land Resource Regulation to provide guidance in the conducting of public informational meetings required for a Variance Request for the Excavation of Rock, Borrow, Topsoil, Clay or Silt. This policy outlines the format for conducting public informational meetings by an applicant.

### **Objectives**

The Department objectives for public informational meetings are:

- ☐ inform the public of projects pending in their community;
- ☐ encourage early public input in the application review process;
- ☐ establish a dialogue between the applicant and the public;
- ☐ promote a better understanding of the specific project issues between the applicant, agencies and the public.

### **Procedural Requirements for Public Informational Meetings**

1. All public informational meetings must be public noticed and held at a public facility that is handicapped accessible<sup>1</sup> and located in the town where the project is proposed.
2. The applicant or their designee shall present an overview of the proposed project which includes a summary of any potential environmental impacts and measures to mitigate the impacts.
3. A summary handout sheet must be made available to the public that details the major aspects of the proposed project and lists the federal, state and local permits required for the project.
4. A summary handout sheet obtained from the Department regarding the application process must be made available at the meeting (see fact sheet).
5. The applicant shall provide ample time during the meeting for the public to ask questions.
6. The applicant or their designee shall provide to the Department a summary of any public comments or concerns regarding the proposed project.

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<sup>1</sup> For public notice requirements, please refer to the Department's administrative rule under Chapter 2 Section 8.



# VARIANCE APPLICATIONS FOR EXCAVATIONS AND ROCK QUARRIES

